



Appeal Decision

Site visit made on 20 December 2023

by David English BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th March 2024

Appeal Ref: APP/Y5420/W/23/3325423

Langham Close, Langham Road, Tottenham, Haringey, London N15 3LD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Brooks Murray Architects against the decision of the Council of the London Borough of Haringey.
 - The application Ref is HGY/2022/2434.
 - The development proposed is to add two additional floors to house 9 residential C3 units, including the provision of new cycle and bin stores provision, and the landscaping of the communal grounds.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Government published a revised version of the National Planning Policy Framework (the Framework) in December 2023. Whilst this made certain revisions to aspects of national planning policy, the provisions in respect of the main issues in this case are largely unchanged. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework from the parties, and that no party would be disadvantaged by such a course of action.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the host building and the surrounding area having regard to nearby designated and non-designated heritage assets; and
 - the living conditions of the occupiers of 207 to 213 (inclusive) Langham Road and 7 to 15 (inclusive) Crescent Road in respect of outlook and overshadowing.

Reasons

Character and appearance

4. The appeal site is on the edge of a primarily residential area close to a vibrant commercial area around the junction of Westbury Avenue and Green Lanes. Turnpike Lane Underground Station, a Grade II listed building (the listed building), and Turnpike Lane Bus Station (the bus station), a locally listed non-designated heritage asset, occupy a substantial area of land in a prominent

position at the south-eastern side of that junction in a location immediately adjacent to the western boundary of the appeal site. This public transport interchange comprises relatively large hard-surfaced open areas, including the bus turning area, along with low-level distinctive buildings which sit comfortably within, and make a positive contribution to the generally low-rise character and appearance of the area around the interchange. Buildings in the vicinity are mostly limited to two or three storeys and this is an important element in defining the character of the local area and the setting of the heritage assets.

5. The proposed development would involve the construction of two floors of residential accommodation above the existing three-storey flat-roofed block of flats. Langham Close already appears as a relatively prominent block in the townscape. However, its design and appearance generally complement the neighbouring listed building and bus station, primarily due to these buildings having similar roof forms, which set them apart from the majority of other nearby buildings where sloping roofs are prevalent.
6. The appellant has drawn my attention to the recent planning history at the appeal site which includes permissions granted for an additional floor of residential accommodation above the appeal property¹. These are referred to as a 'fallback consent' in the appellant's evidence. However, whilst I have not been provided with full details of those schemes, I note that both would involve the addition of a single storey above the existing building, unlike the appeal proposal which would create two storeys. The Council indicates that the proposal would result in an increase in the height of the appeal building from 9 metres to 16.2 metres and I have seen nothing in the evidence before me to dispute this.
7. Notwithstanding the earlier permissions granted for the addition of a further storey to the building, the proposal before me would result in a substantial increase in the height, mass and bulk of the appeal building. The proposal would create an upward extension considerably higher than any nearby buildings and would be seen as towering uncomfortably and intrusively above those nearby buildings, including the buildings at the public transport interchange.
8. The proposal would result in the creation of a five-storey building in an area dominated by two to three storey buildings, primarily terraced housing. As a result, the appeal building would stand out in stark contrast to neighbouring and nearby buildings, projecting significantly above the surrounding roofscapes. The proposal would be visible from public vantage points from the surrounding streets, including from Green Lanes, Langham Road, Westbury Avenue, Carlingford Road and Graham Road. As such, the intrusive effects associated with the height and mass of the appeal building as intended to be altered would result in undue harm to the character and appearance of the surrounding area.
9. While there are trees and hedges screening the appeal site, I saw during my site visit that the trees are largely deciduous along the western boundary of the appeal site, and, without leaf cover, they provided little effective screening of the existing building from the vantage points I have noted. As such, the proposal would not benefit from screening provided by existing vegetation for

¹ Council Refs.: HGY/2021/2376 and HGY/2022/1312.

much of the year, and additional practicable and appropriate planting, which could be secured by conditions if the appeal were allowed, would be unlikely to have any mitigating effect on public views of the proposed development for several years.

10. The appellant contends that the proposal would result in the creation of a taller building which would align with the intentions of development plan policy which supports redevelopment, including through tall buildings, in the immediate vicinity, with part of the appeal site shown as being in a 'Growth Area' in the Haringey's Local Plan Strategic Policies 2013-2026 (consolidated with alterations since 2017) (the LP). Specific reference is made in the appellant's evidence to the allocation of sites close to the appeal site for redevelopment referenced as allocations SA15 and SA16 of the London Borough of Haringey Site Allocations DPD (July 2017) (the SADPD), and more specifically that those allocations support a tall building on both sites.
11. Whilst I have not been provided with the full text of the SADPD concerning these allocations, I note that no substantive evidence has been provided demonstrating that permission has either been sought or granted for redevelopment on either of those sites. I also note the Council's reference to the allocation SA16, 'Turnpike Lane Triangle', being under review. In such circumstances I cannot draw any inference from the information I have seen in the evidence before me about the potential future form of redevelopment on either of those allocated sites, or the effects any such development proposed may have on the character and appearance of the area or on the setting of heritage assets. Further, those allocations in themselves do not lend any material development plan policy support to the proposal before me which, in any event, I have determined on its own merit. I therefore afford little weight to those development plan allocations to which reference has been made.
12. The appellant also seeks support for the proposal from the Council's Urban Character Study (February 2015) (the UCS) which identifies the appeal site as lying within an area suitable for mid-rise buildings between 3-6 storeys. However, whilst I note the UCS provides various characterisation details, including a description of areas comprising mid-rise development, and it identifies locations where differing ranges of building height may be appropriate, I have not been directed to any wording in the UCS that offers specific support for the appeal proposal. The UCS provides part of the evidence base that supported the creation of development plan policies, including Policies DM1 and DM6 of the Haringey Development Management DPD (July 2017) (the DPD). The application of those policies requires judgements to be made in respect of the extent to which proposals would be of an appropriate scale which respond positively to the site's surroundings, the local context, and the need to achieve a high standard of design. I have determined the appeal in accordance with this policy expectation.
13. I recognise that upward extensions to mansion blocks and other residential buildings have been allowed elsewhere in London, including in Haringey, and I acknowledge the support in the development plan and in the Framework for upward extensions to accommodate new homes. I also acknowledge that the Framework encourages the effective use of land in meeting the need for new homes, as does The London Plan (March 2021) (the London Plan). However, the encouragement given in the Framework is not unqualified, particularly in respect of the need to take into account the desirability of maintaining an

area's prevailing character and setting, and the importance of securing well-designed and beautiful, attractive places. Furthermore, the support given in the Framework for the use of airspace expressly expects development to be consistent with the prevailing height and form of neighbouring properties and the overall street scene.

14. Whilst I have had regard to the examples² provided by the appellant, the information before me provides little detail regarding the context of those examples. I am therefore unable to draw any meaningful conclusions regarding the extent to which those examples are directly comparable with the context of the current appeal proposal. Consequently, those examples have a limited bearing on my consideration of the appeal, and I afford them little weight.

Heritage assets

15. The duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires me to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. In addition, I have had regard to paragraph 205 of the Framework which requires that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Furthermore, paragraph 206 of the Framework requires that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
16. Paragraph 209 of the Framework goes on to explain that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
17. The prominence and visual importance of the listed building and the bus station collectively in this built-up location are emphasised by the perception of space around the buildings. The open space at Ducketts Common opposite the interchange to the west further adds to the perception of openness immediately around the interchange. These factors are important in defining the setting of the listed building since a general lack of distracting taller structures around the interchange serves to emphasise the distinctive architectural composition of the buildings, these being fine examples of public transport architecture in London. Overall, this generally open setting of the interchange contributes positively to the character and significance of the listed building and the bus station and their setting.
18. The appellant contends that the appeal site and building make an overall neutral contribution to the setting of the listed building and the bus station, and that the proposal would not alter this relationship. However, while the existing relationships between the buildings and associated spaces is generally in balance in terms of their respective positioning, scales, appearance, and heights, the proposal would immediately draw the eye away from the listed

² Belmont Street, Camden; Lordship Road, Hackney; Marion Court, Tooting High Streret; and Hadley Court, Upper Crazenove Road

building and the bus station due to its added height and visual dominance on the skyline, particularly when viewed from Green Lanes, Langham Road, Westbury Avenue, and Carlingford Road. While the proposal would include architectural references to the heritage assets, given its proximity, when seen alongside the public transport interchange, it would appear as an overly large and imposing structure unlike the lighter and lower structures at the interchange. In this respect the proposal would cause undue harm to the setting of the listed building and would indirectly adversely affect the setting of the bus station.

19. The external appearance of the proposal would largely echo that of the existing building, and in this respect its design would not be harmful to the character and appearance of the host building in its own right. However, due to its height and mass the proposal would dominate and detract from the otherwise relatively regular building heights in the vicinity, particularly those of the listed building and the bus station with which the appeal property has a strong visual association. The proposal would therefore appear as a dominant, obtrusive and incongruous addition which would have an obvious and adverse visual effect on the character and appearance of the surrounding area. It would be noticeably at odds with the more modest scale, height and mass of existing nearby buildings resulting in a harmfully conspicuous, substantial, tall structure in the context of surrounding low-rise, largely domestic scale development.

Conclusions on character and appearance

20. The harm arising from the proposal would have an adverse effect upon the character and appearance of the area when viewed in the immediate vicinity of the site, including within the setting of the listed building and the bus station. The harm to the setting of the listed building would be relatively localised. There would be no direct effect on the fabric of the listed building. On that basis, the harm to the significance of the heritage asset would, in my judgement, using the terms given in the Framework, be less than substantial. However, that does not imply that it should be treated as a less than substantial objection to the proposal. I have attached considerable importance and weight to the desirability of avoiding such harm, in accordance with the provisions of the Act. Furthermore, in balancing the scale of harm to the setting of the bus station and the significance of that heritage asset, in my judgement, the harm that would arise overall would be unacceptable.
21. Under such circumstances, paragraph 208 of the Framework advises that any harm should be weighed against the public benefits of the proposal. The improvements in the infrastructure within the building and in its grounds would largely be to the benefit of the occupiers by increasing their comfort and accessibility to the building and adding to the general amenity value of the outdoor space. Nevertheless, there would be some public benefits associated with improving natural surveillance locally, improving the supply of homes in the area, improving local biodiversity within the site, providing on-site renewable energy, and increasing spending in the local economy. However, while I attribute modest weight to each of these public benefits, they would be of a small scale and would not be sufficient to outweigh the harm I have identified. Accordingly, I find that there are not sufficient wider public benefits to offset the identified harm to the setting of the listed building to which I attach great weight given the requirements of the Framework.

22. On this main issue, whilst the proposal would not harm the character and appearance of the host building, I conclude that it would result in undue harm to the character and appearance of the surrounding area having regard to designated and non-designated heritage assets. Accordingly, it would conflict with Policies D4, HC1 and HC3 of the London Plan, Policies DM1, DM6, DM9 and DM12 of the DPD, and Policies SP11 and SP12 of the Haringey's Local Plan Strategic Policies 2013-2026 (March 2017) (the LP) which collectively, in summary, require amongst other things, that proposals affecting heritage assets will be assessed against the significance of the asset and its setting and should conserve their significance, with priority being given to sustaining and enhancing the significance of a heritage asset and its setting; and that development achieves a high standard of design and contributes to the distinctive character of the local area and that it relates positively to the locality, having regard to, amongst other things, building heights, and the form, scale and massing prevailing around the site.

Living conditions at neighbouring properties

23. The proposal would, with the exception of the relatively limited scale and projection of the proposed lift shafts, retain the current separation distances between the appeal building and neighbouring gardens and the rear elevations of the properties at 207 to 213 (inclusive) Langham Road and 7 to 15 (inclusive) Crescent Road. The evidence shows the separation distances between the buildings range from 17.5 metres to 19.4 metres. In each instance, from my observations during my site visit, given the extent of this separation between buildings, and noting the reasonable separation of the appeal building from the boundaries with those properties, I am not persuaded that the proposed development would result in an unacceptably harmful effect on the outlook from those neighbouring properties.
24. In reaching my conclusion on this matter I have had regard to the fallback consent position described by the appellant. Given its setback from the rear wall of the appeal building, and noting the conclusions in the Daylight and Sunlight Impact Assessment (May 2022), the upper floor of the proposal would not result in a significant change in the extent of overshadowing to the rear of properties on Langham Road or Crescent Road associated with either the existing building or the extensions referred to above, and as described in the evidence, for which planning permission has been granted. In these circumstances, the proposal would not result in an unacceptable increase in overshadowing at those neighbouring properties. Similarly, the proposal would result in only a marginal change in the outlook from those neighbouring properties compared to the fallback consent position.
25. On this main issue, I conclude that the proposal would not result in harm to the living conditions of the occupiers of 207 to 213 (inclusive) Langham Road and 7 to 15 (inclusive) Crescent Road in respect of outlook and overshadowing. As such, in these respects the proposal would not conflict with Policy D4 of the London Plan, Policies DM1 and DM12 of the DPD, and Policy SP11 of the LP which collectively, in summary, require amongst other things, that development proposals meet the design requirements of the London Plan and provide a high standard of amenity for neighbours.

Other Matters

26. The development would make a positive contribution to the delivery of a mix of homes, including family homes, on a small site that comprises previously developed land within an accessible location, as evidenced by its PTAL³ rating of 6b, and the site is close to local shops and Wood Green town centre. Each of these benefits accord with the intentions of the Framework and the strategic and local priorities of the development plan, to which the appellant has drawn my attention. I attribute modest weight to these benefits given the scale of development proposed. In this case, having regard to the physical context of the appeal site, overall, the benefits would not outweigh the significant harm I have identified that would arise to the character and appearance of the surrounding area.
27. The appellant states that the Council has consistently failed to deliver its own housing requirement, or that given in the London Plan. However, I have not been provided with further evidence on this matter and I note that the Council indicates that it has a sufficient five-year supply of land for housing. In these circumstances, from the information provided to me, I am not satisfied that the requirements in paragraph 11d) of the Framework are triggered.
28. A significant number of interested parties, including local residents and a Borough Councillor, have expressed a wide range of concerns including, but not limited to the following: affordable housing provision; noise and disturbance during construction and to existing residents in future; highway safety; water supply and drainage; and living conditions, including loss of light and privacy, amongst other things. However, I note that these matters were considered, where relevant, by the Council at the application stage and did not form part of the reasons for refusal, which I have dealt with in the assessment above. Whilst I can understand the concerns of the interested parties, there is no compelling evidence before me that would lead me to come to a different conclusion to the Council on these matters.

Conclusion

29. I have not found harm in respect of the effects of the proposal on the character and appearance of the host building or the living conditions at neighbouring properties. However, in my view, the harm to the character and appearance of the surrounding area, having regard to designated and non-designated heritage assets, is the prevailing consideration. For the reasons given above, the proposal would conflict with the development plan when read as a whole. Material considerations, including the Framework, do not indicate that a decision should be made other than in accordance with the development plan. Having considered all other matters raised, the appeal is dismissed.

David English

INSPECTOR

³ Transport for London Public Transport Accessibility Levels